

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Marvin Wilbert Powell

)

)

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Case No: 5:04-CR-356-1F

)

USM No: 24938-056

Date of Original Judgment: January 18, 2006

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Date of Previous Amended Judgment: May 28, 2008

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Alan DuBois, Assistant Federal Public Defender

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months is reduced to 235 months, concurrent, on Counts 1 and 2, 60 months, concurrent, on Count 3, and 120 months, concurrent, on Count 5; Count 4 remains 60 months, consecutive.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated January 18, 2006, and May 28, 2008 shall remain in effect. IT IS SO ORDERED.

Order Date:

4/11/16

James C. Fox

Judge's signature

Effective Date:

(if different from order date)

James C. Fox Senior U.S. District Judge

Printed name and title